

## SEWER EASEMENT

FOR AND IN CONSIDERATION of the sum of One Dollar (\$1.00), in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we, James A. Hixon and Mary A. Hixon, hereinafter referred to as "Grantor", do hereby grant, bargain, sell and convey unto the City of Olive Branch, its successors and assigns, hereinafter referred to as "Grantee", the right, privilege and easement at any time and from time to time to construct, maintain, inspect, operate, protect, repair, replace, change the size of, or remove a pipeline, pipelines and other appurtenances for operation of the City Sewage System, within the confines of an area described in Exhibit 1, which is attached hereto and made a part hereof as if fully copied herein, together with reasonable access thereto.

TO HAVE AND TO HOLD said easement and reasonable access thereto unto said Grantee, its successors and assigns temporarily, where noted, and permanently, where noted in Exhibit 1.

It is agreed that the pipeline or pipelines to be laid under this grant shall be constructed at sufficient depth below the surface of the ground to permit normal cultivation, and Grantor shall have the right to fully use and enjoy the above described premises, subject to the rights herein granted.

As additional consideration it is agreed that Grantor shall be entitled to receive a waiver of one sewer tap on the property over which this Easement is granted.

Grantee shall have the right to clear and keep clear all trees, undergrowth and other obstructions from the herein granted easement, and Grantor agrees not to build, construct or create, nor permit others to build, construct or create any buildings or other structures on the herein granted easement that will interfere with the normal operation and maintenance of the said line or lines.

Grantor hereby expressly agrees that in the event the route of the pipeline to be constructed hereunder should cross any roads, railroads, creeks, rivers or other waterways located on the above described land or other places requiring extra working space, Grantee shall have the right and temporary access to additional working space which may be necessary for construction.

Grantor represents that the above described land is not rented at the present time.

The terms and conditions hereof shall be binding upon and inure to the benefit of the heirs, executors, administrators, devisees, successors, trustees or assigns of the parties hereto, and the rights herein granted may be assigned in whole or in part.

IN WITNESS WHEREOF the said Grantors have hereunto set their hand and seal, this 14th day of July, 2001.

STATE MS. - DESOTO CO.  
FILED

FEB 11 3 41 PM '02

BK 411 PG 400  
W.E. DAVIS CH. CLK.

James A. Hixon  
JAMES A. HIXON

Mary A. Hixon  
MARY A. HIXON

Witnessed By:

A. A. Davis

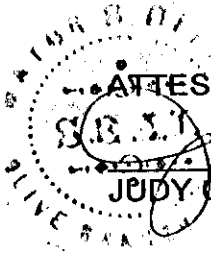
STATE MS. - DESOTO CO.  
FILED

JAN 7 9 45 AM '02

BK 407 PG 749  
W.E. DAVIS CH. CLK.

APPROVED AND ACCEPTED by the  
City of Olive Branch

By: *Samuel P. Rikard*  
SAMUEL P. RIKARD, MAYOR



ATTEST:

*Judy C. Herrington*  
JUDY C. HERRINGTON, CITY CLERK

STATE OF MISSISSIPPI

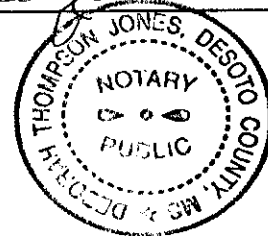
COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state, on this 16th day of July, 2007, within my jurisdiction, A. G. Davis, one of the subscribing witnesses to the above and foregoing instrument, who, being first duly sworn, states that he saw the within named James A. Hixon and Mary A. Hixon, whose names are subscribed thereto, sign and deliver the same to the City of Olive Branch; and that the affiant subscribed his name as witness thereto in the presence of same.

*A. G. Davis*  
Witness

*Robert Thompson Jones*  
NOTARY PUBLIC

My Commission Expires:  
MISSISSIPPI STATEWIDE NOTARY PUBLIC  
MY COMMISSION EXPIRES MARCH 21, 2003  
BONDED THRU STEGALL NOTARY SERVICE



STATE OF MISSISSIPPI

COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state on this 10th day of December, 2007, within my jurisdiction, the within named Samuel P. Rikard and Judy C. Herrington, who acknowledged that they are the Mayor and City Clerk, respectively, of the City of Olive Branch, and that in said representative capacity they executed the above and foregoing instrument, after first having been duly authorized so to do.

*Patricea W. McH...*  
NOTARY PUBLIC

My Commission Expires:  
MISSISSIPPI STATEWIDE NOTARY PUBLIC  
MY COMMISSION EXPIRES APRIL 17, 2005  
BONDED THRU STEGALL NOTARY SERVICE



PREPARED BY AND RETURN TO: Gary P. Snyder, Watkins Ludlam Winter & Stennis, P.A.,  
P.O. Box 1456, Olive Branch, MS 38654, 662-895-2996.

**JAMES A. HIXON and  
wife, MARY A. HIXON  
DEED BOOK 268, PAGE 101**

**EXHIBIT 1**

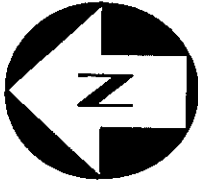
Being a portion of Lot 23, Section B, South Manor Estates Subdivision lying in Sections 2 and 3, Township 2 South, Range 7 West, City of Olive Branch, Desoto County, Mississippi, as recorded in Plat Book 39, Pages 44-45 in the office of the Chancery Clerk of Desoto County, Mississippi, and being more particularly described as follows:

**PERMANENT UTILITY EASEMENT**

Being a 10 foot wide strip of land parallel and adjacent to the east line of the subject property with a centerline described as follows: Beginning at a point, said point being 5.00 feet west of the southeast corner of the property as measured along the south line of the property; thence in a northerly direction parallel to the east line of the subject property for a distance of approximately 140.83 feet to a point in the north line of the property, said point being 5.07 feet west of the northeast corner of the property as measured along the north line of the property and containing 1,408 square feet more or less.

**TEMPORARY CONSTRUCTION EASEMENT**

Being a 20-foot wide strip of land parallel and adjacent to the west side of the above described permanent utility easement and containing 2,846 square feet more or less.



SCALE: 1" = 60'

EASEMENT REQUIRED:

UNENCUMBERED:  
PERM: 1,408 S.F.  
TEMP: 2,846 S.F.

ENCUMBERED:  
PERM: 0.0 S.F.  
TEMP: 0.0 S.F.

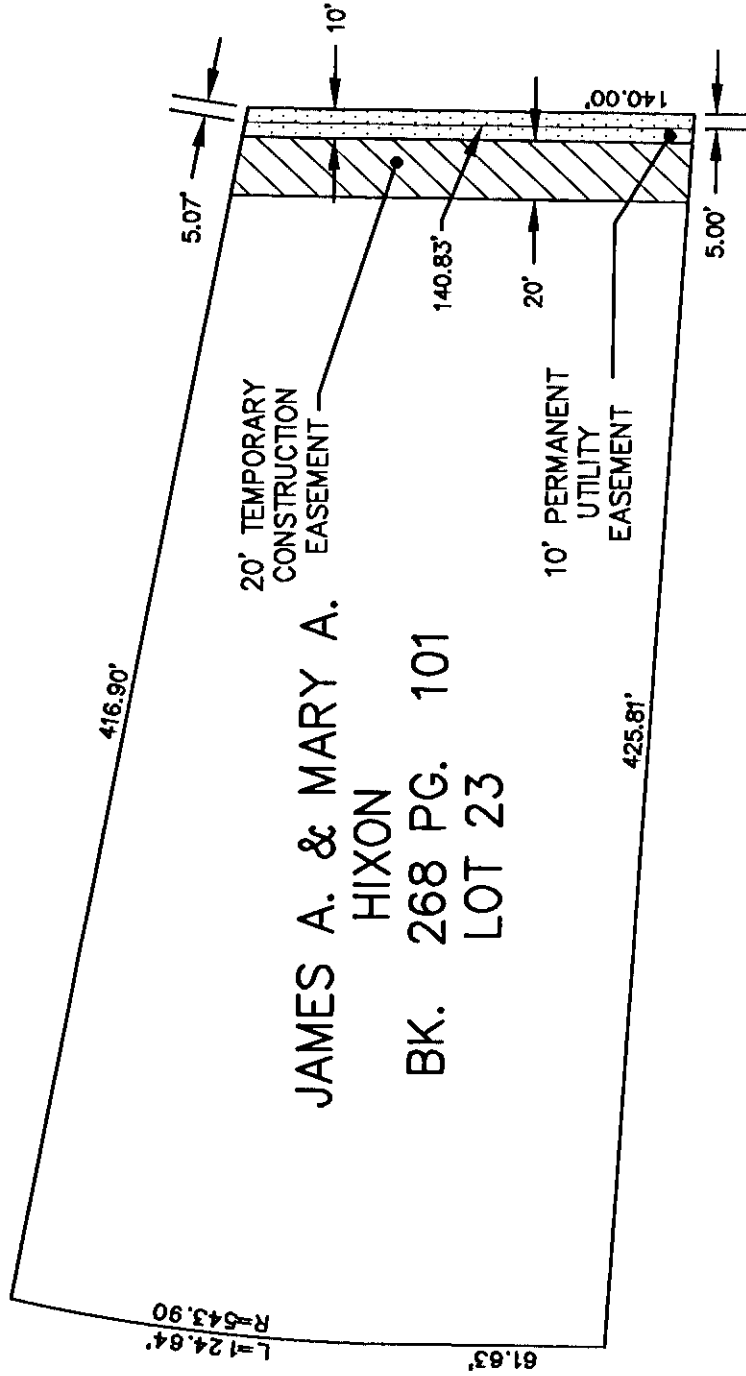
EXHIBIT NO. 1

SHEET 1 OF 1

THE CITY OF OLIVE BRANCH, MISSISSIPPI  
DESOTO COUNTY  
SOUTH MANOR SEWER IMPROVEMENT

UTILITY EASEMENT

PREPARED BY: F&A BK. 268, PG. 101 TRACT: LOT 23  
DRAFTSMAN: D.E. DATE: JUN., 2001



THIS PROPERTY IS LOCATED IN SECTIONS 2  
AND 3, TOWNSHIP 2 SOUTH, RANGE 7 WEST  
DESOTO COUNTY, MISSISSIPPI

NO.	DESCRIPTION	DATE	BY

FILE: